

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #1 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT JOSEPH FIHE**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Joseph Fihe used excessive force by pointing his firearm at Plaintiff James Burk?

YES

☒

NO

☐

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #2 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT JOSEPH FIHE**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Joseph Fihe used excessive force in handcuffing Plaintiff James Burk?

YES

NO

✓

DATE: 11-12-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #3 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT JOSEPH FIHE**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Joseph Fihe used excessive force in using a TASER on Plaintiff James Burk?

YES

NO

☒

DATE: 11-12-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #4 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT KEVIN WINCHELL**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Kevin Winchell used excessive force in handcuffing Plaintiff James Burk?

YES

NO

☒

DATE: 11-12-24

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #5 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT KEVIN WINCHELL

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Kevin Winchell used excessive force in in using a TASER on Plaintiff James Burk?

YES

NO

X

DATE: 11-12-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #6 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT JOSEPH FIHE**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Joseph Fihe used excessive force in placing Plaintiff James Burk in Officer Winchell’s patrol car?

YES

✓

NO

                    

DATE: 11-12-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #7 – PLAINTIFFS’ EXCESSIVE-FORCE CLAIM AGAINST  
DEFENDANT KEVIN WINCHELL**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Kevin Winchell used excessive force in in placing Plaintiff James Burk in Officer Winchell’s patrol car?

YES

NO

☒

DATE: 11-12-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #8 – PLAINTIFFS’ UNLAWFUL DETENTION CLAIM AGAINST  
DEFENDANT JOSEPH FIHE**

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Joseph Fihe unlawfully detained Plaintiff James Burk by subjecting him to an investigatory detention that was not reasonable in scope and duration when placing him in Officer Winchell’s patrol car after receiving Agent Burk’s credentials?

YES

✓

NO

DATE: 11-12-24



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #9 – PLAINTIFFS’ UNLAWFUL DETENTION CLAIM AGAINST  
DEFENDANT KEVIN WINCHELL

Have Plaintiffs proved by a preponderance of the evidence that on July 7, 2020, Defendant Kevin Winchell unlawfully detained Plaintiff James Burk by subjecting him to an investigatory stop that was not reasonable in scope and duration when placing him in Officer Winchell’s patrol car after receiving Agent Burk’s credentials?

YES



NO

\_\_\_\_\_

DATE: 11-12-24